

THE HONORABLE JOHN C. COUGHENOUR

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTINA PASCUAL, on her own behalf
and on behalf of a class of similarly situated
employees of Defendant,

Plaintiffs,

v.

ZIRX CONSUMER SERVICES, INC., a
California corporation,

Defendant.

CLASS ACTION

CASE NO. C15-1923-JCC

ORDER PRELIMINARILY
APPROVING CLASS ACTION
SETTLEMENT, AUTHORIZING
NOTICE, AND SETTING FAIRNESS
HEARING

This matter comes before the Court on the parties' stipulated motion for certification for settlement purposes, preliminary approval of class action settlement, authorization of notice, and a fairness hearing (Dkt. No. 35). Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion. The Court FINDS and ORDERS that:

1. The proposed settlement (the Settlement) appears to be fair, reasonable, and adequate, and a fairness hearing should be held after notice of the Settlement is disseminated to the Class to finally determine whether the Settlement is fair, reasonable, and adequate.

2. For the purpose of the Settlement only, the conditional certification of the Class is appropriate because (a) the Class is ascertainable and sufficiently numerous, (b) a well-defined community of interest exists, and (c) there are substantial benefits from certification that render proceeding on a class-wide basis superior to any alternatives.

1 3. The Court preliminarily finds that: (a) the terms of the Settlement appear to be fair
2 and reasonable to the Class when balanced against the probable outcome of further litigation
3 relating to class certification, liability and damage issues, and potential appeals; (b) Class Counsel
4 is experienced in wage-and-hour class action litigation; (c) significant investigation was
5 undertaken, and significant information was exchanged, enabling the parties to reasonably
6 evaluate one another's positions; (d) approving the Settlement will avoid the substantial costs,
7 delay, and risks that would be presented by further litigation; and (e) the Settlement's terms were
8 the result of intensive, serious, and non-collusive negotiations between the parties. Accordingly,
9 the Settlement falls within the range of possible approval and meets the requirements for
10 preliminary approval.

11 4. The following Class is conditionally certified for the purpose of the Settlement
12 only: All persons who entered into independent contract agreements with Zirx Consumer
13 Services, Inc. and worked as a parking agent more than 40 hours in any work week during the
14 period of June 1, 2015 through October 31, 2015.

15 5. Connor & Sargent PLLC is conditionally appointed as Class Counsel.

16 6. Christina Pascual is conditionally appointed as Class Representative.

17 7. Settlement Services, Inc. is conditionally appointed as Settlement Administrator.

18 8. The claim form and class notice (collectively, the Notice Packet) contemplated by
19 the Settlement is conditionally approved as to form and content. The Notice Packet is attached as
20 Exhibits 1 and 2 to the Settlement. The Notice Packet and the notification procedures
21 contemplated by the Settlement constitute the best notice practicable under the circumstances and
22 are in full compliance with the laws of the United States and the State of Washington (to the
23 extent applicable) and the requirements of due process. The Notice appears to fully and
24 accurately inform Class Members of all material terms of the Settlement, including the manner in
25 which Settlement payments will be calculated; the procedure for filing claims (through the use of
26 the claim form); and the right to object, and procedure for objecting, to the Settlement.

1 9. The dates for performance are as follows:

2 (a) No later than two weeks after the Class is preliminarily approved,
3 Defendant shall provide the Settlement Administrator with a list of all Class Members (the Class
4 List), which will include their names, social security numbers, last-known email addresses, last-
5 known postal addresses, last-known telephone numbers, overtime hours, and calculated
6 Settlement award.

7 (b) No later than two weeks after receiving the Class List, the Settlement
8 Administrator shall send Notice Packets to the Class Members using the procedures provided in
9 the Settlement, and shall post the notice, the claim form, the complaint, the stipulated motion and
10 related papers, the Settlement, and this order on its website.

11 (c) Class Members shall have until 45 calendar days after the Settlement
12 Administrator first sends Notice Packets—extended by the periods set forth in the Settlement—to
13 submit claim forms to the Settlement Administrator. To be considered valid, a submitted claim
14 form must include the Class Member’s name and it must be signed and dated and either
15 postmarked or e-mailed to the Settlement Administrator prior to the 45-day deadline.

16 (d) Class Members shall have until 45 calendar days after the Settlement
17 Administrator first sends Notice Packets—extended by the periods set forth in the Settlement—to
18 submit to the Court any objections and notices of intention to appear at the fairness hearing.

19 (e) The fairness hearing will be held on Tuesday, August 22, 2017, at 9:00
20 a.m. in the undersigned’s courtroom, Suite 16206, of the United States District Court, Western
21 District of Washington.

22 (f) No later than 45 days before the fairness hearing, Plaintiff shall move for
23 final approval of the Settlement and for approval of any fee and expense award, as well as any
24 incentive payment.

25 (g) No later than seven days prior to the fairness hearing, Plaintiff shall file a
26 reply in support of the motions for final approval of the Settlement, attorney fees and expenses,

1 and incentive fees. Plaintiff and Defendant must also respond to any comments or objections to
2 the Settlement by this time.

3 10. Other than the proceedings contemplated herein, all discovery and other
4 proceedings in this lawsuit are STAYED until further order of the Court. Through and including
5 the date set for the fairness hearing, and to facilitate the administration of the Settlement, the
6 Court preliminarily ENJOINS all Class Members from filing or prosecuting any claims, suits, or
7 administrative proceedings for any of the released claims against any of the released parties under
8 the Settlement.

9 DATED this 25th day of April, 2017.

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13 John C. Coughenour
14 UNITED STATES DISTRICT JUDGE
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